

<b>TITLE</b>	<b>Fly-Tipping Strategy</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Wednesday 22 April 2020
<b>WARD</b>	None specific
<b>LEAD OFFICER</b>	Director, Place and Growth - Sarah Hollamby
<b>LEAD MEMBER</b>	Executive Member for Environment and Leisure - Parry Batth

## **PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

To clearly establish the Council's approach and response to dealing with fly-tipping in order to protect our borough, keep it clean and enhance our green areas for people to enjoy.

## **RECOMMENDATION**

That the Executive approves the Fly-Tipping Strategy for Wokingham Borough.

## **EXECUTIVE SUMMARY**

Fly-tipping can be a significant blight on our local environment; a hazard to wildlife and a nuisance. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Fly-tipping is the illegal dumping of any waste or rubbish on public land or sites which are unauthorised to accept waste.

Within Wokingham Borough between April 2018 and March 2019 there were 1171 reported incidents of fly-tipping, up from 747 incidents the previous year.

This strategy will help ensure our residents, businesses and landowners understand their responsibility for their waste and show how we will work together to keep our borough clean and deliver a pro-active approach to tackle waste crime.

## **BACKGROUND**

Fly-tipping is a criminal offence and one of the most common forms of anti-social behaviour. It blights our green areas, is a threat to local wildlife and can attract other forms of anti-social behaviour and other enviro crime such as arson and littering.

For the 2018/19 financial year, councils in England dealt with over 1 million (1,072,000) fly-tipping incidents, an increase of 8% from the 998,000 reported in 2017/18.

Within Wokingham Borough, during 2018/19 there were 1,171 incidents of fly-tipping reported to the council, an average of 93 incidents per month. This is a substantial increase on the previous year's reported figure of 747 incidents (average of 62 incidents per month). In 2018/19 the Council spent over £145,000 to collect and dispose of fly-tipped waste.

These figures exclude much of the waste dumped on private land, which landowners are liable to dispose of at considerable cost to their business.

The most common type of fly-tipped waste found in Wokingham Borough is household waste (black bags), followed by construction waste.

## **BUSINESS CASE**

The fly-tipping strategy details how the Council will work with local partners and stakeholders to prevent fly-tipping occurring, respond quickly to incidents of fly-tipping and provide information on everyone's responsibilities for the management and disposal of their waste. The strategy also details how the Council will keep residents updated about progress in delivering this strategy along with other useful information.

This Fly-Tipping Strategy has been produced with the help of the Council's Cross-Party Working Group for Fly-Tipping and has been endorsed by the Wokingham Borough Community Safety Partnership and discussed at the Borough Parish Liaison Forum.

Specifically, the strategy including information about how the Council will deliver against the following specific aspects of activity:

- Prevention
- Communication
- Reporting Incidents
- Responding to Incidents
- Enforcement
- Working with Partners

Included within the strategy is a comprehensive action plan for how the Council and our partners will work to reduce the impact of fly-tipping across the borough. A selection of key actions for 2020 are presented below:

- Install additional signage in higher risk areas across the borough
- Deploy CCTV in hotspot areas
- Work closely with our town and parish council's to identify and tackle local fly-tipping hotspots
- Promotion campaigns made up of interested parties working in partnership to prevent and tackle fly-tipping
- Publicise existing Wokingham Borough Council waste collection service,
- Keep up-to-date information on responsibilities for residents, businesses and landowners in one place on the Wokingham Borough Council website
- Clearing fly-tipped waste on public land within five working days of reporting
- Attach a large orange sticker on each fly-tip after it has been inspected to confirm to residents that it is due to be cleared
- Regular inspection of businesses waste disposal arrangements,
- Publicise fixed penalty notices and convictions,
- Issue fixed penalty notices for fly-tipping and to businesses without the correct waste disposal arrangements
- Providing landowners with advice on how to deal with clearance and disposal of fly-tipped waste
- Establish a network to share intelligence on fly-tipping incidents, best practice and resources on prevention and enforcement between partner organisations
- Provide feedback to residents on the result of investigations and any subsequent prosecutions.

The Strategy and Action Plan are presented in the appendix to this report

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	162,800*	Yes – within existing budgets	Revenue
Next Financial Year (Year 2)	160,000**	Yes – within existing budgets	Revenue
Following Financial Year (Year 3)	160,000**	Yes – within existing budgets	Revenue

### Other Financial Information

\*This includes the cost of removing and disposing of fly-tipping (approx. £156K) and the cost of CCTV equipment purchased. £3600 of this was provided by the Community Safety Partnership.

\*\*Estimates based on 2019/20 spend.

**Stakeholder Considerations and Consultation**

All town and parish councils have been contacted to understand their view on fly-tipping issues in their areas. This strategy has also been developed with the contribution of a Cross-Party Working Group, the Community Safety Partnership, Public Protection Partnership and the Borough Parish Liaison Forum.

**Public Sector Equality Duty**

The proposed fly-tipping strategy does not impact directly on any specific protected characteristic. Information about fly-tipping is presented via all of the Council's communication channels to ensure its accessibility.

**Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

The fly-tipping strategy aims to reduce the amount of waste that is disposed of incorrectly within the borough. Increasing the amount of waste that is disposed of correctly improves the Council's performance in terms of recycling and reducing the amount of waste going to landfill. Reducing the need to clear fly-tipped waste also provides a financial saving to the Council.

**List of Background Papers**

Wokingham Borough Fly-Tipping Strategy 2020

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# Wokingham Fly-Tipping Strategy 2020



**WOKINGHAM  
BOROUGH COUNCIL**



**Public Protection  
Partnership** | Bracknell Forest  
West Berkshire  
Wokingham

## Wokingham Borough Fly-tipping Strategy 2020

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### 1. Introduction

Fly-tipping is the illegal dumping of any waste or rubbish on public land or sites which are unauthorised to accept waste.

We know from what our residents tell us that maintaining the cleanliness of our neighbourhoods to a high standard is an important part of what makes Wokingham Borough a great place to live. Fly-tipping causes an ugly blight on our everyday lives, damages wildlife, spoils scenery and is expensive to have removed.

As well as damaging our local environment it also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Our policy has always been to take a zero tolerance approach to fly-tipping and to prosecute whenever we have sufficient evidence. However in line with national picture fly-tipping has grown significantly since 2012 within Wokingham Borough between April and October 2019 there were nearly 500 incidents of fly-tipping on public land, which is an average of just over 80 incidents per month.

We realise that fly-tipping is an issue that no single organisation can hope to resolve alone. Collaborative working is essential if residents are to notice a real difference in their everyday lives.

That's why we've developed this strategy and comprehensive action plan detailing how the Council is working with local partners and stakeholders to prevent fly-tipping occurring, respond quickly to incidents of fly-tipping, take appropriate enforcement action and provide information on everyone's responsibilities for the management and disposal of their waste.

Progress against the strategy will be monitored through our internal governance arrangements, our cross party working group, community safety partnership and member led overview and scrutiny process.

We are committed to working together with local partners to protect and keep our borough clean, enhance our green areas, and deliver a pro-active approach to tackle waste crime.

## 2. The Current Situation

Fly-tipping is a criminal offence and one of the most common forms of anti-social behaviour. It blights our countryside, is a threat to livestock, wildlife, is a source of pollution and attracts other forms of anti-social behaviour and other enviro crime such as arson and littering.

As well as damaging our local environment it also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

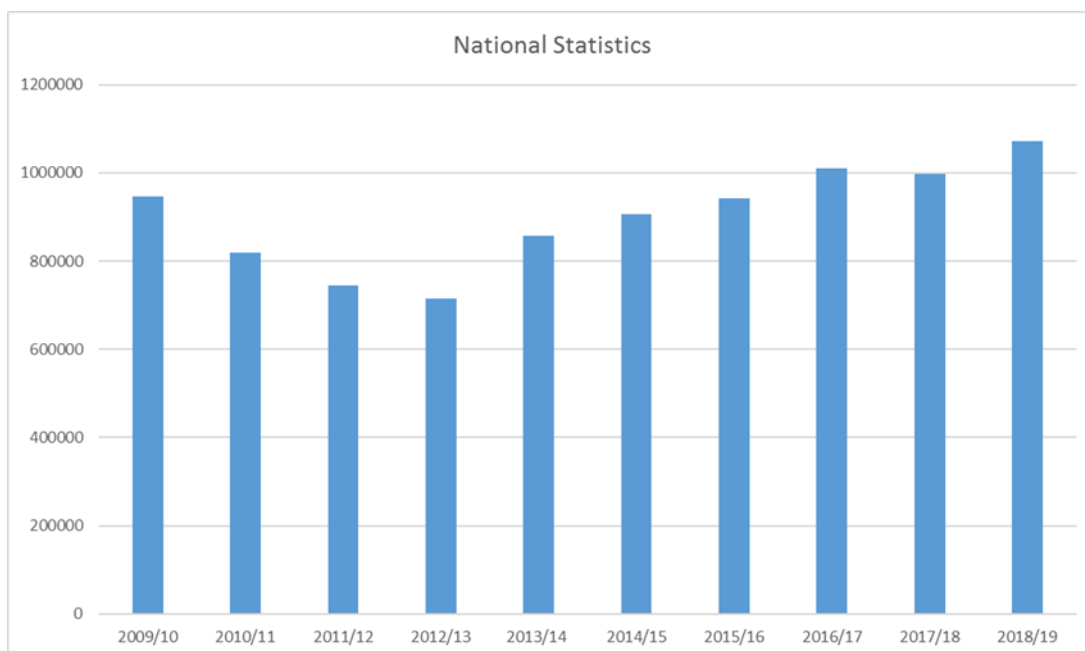
For the 2018/19 financial year, councils in England dealt with over 1 million (1,072,000) fly-tipping incidents, an increase of 8% from the 998,000 reported in 2017/18.

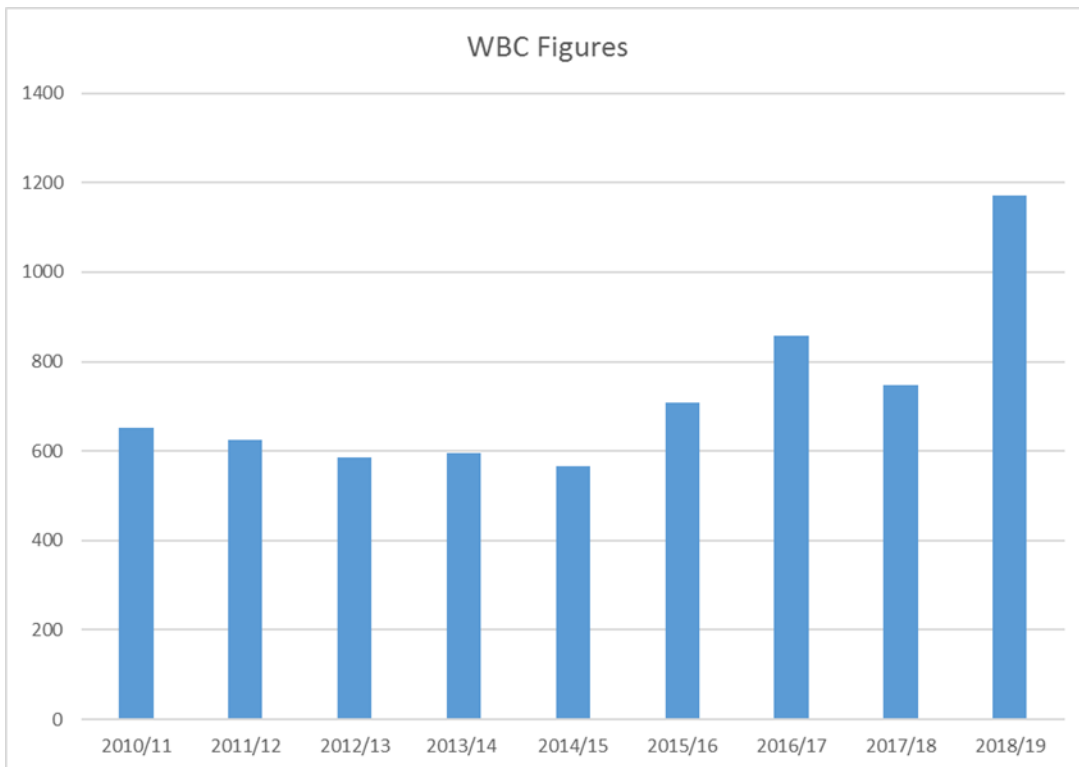
In 2015, the Environmental Services Association estimated that waste crime cost the UK economy at least £604m. It undermines legitimate businesses, evades taxes and runs up clearing-up costs for the public sector running into millions of pounds. They also estimated the cost to local authorities of clearing fly-tipped waste was £57.7m in 2016/17; however these figures do not take in the cost borne by other landowners forced to deal with illegal waste disposal.

Within Wokingham Borough, during 2018/19 there were 1,171 incidents of fly-tipping reported to the council, an average of 93 incidents per month. This is a substantial increase on the previous year's figure of 747 incidents (average of 62 incidents per month). In 2018/19 the Council spent over £145,000 to collect and dispose of fly-topped waste.

These figures exclude much of the waste dumped on private land, which landowners are liable to dispose of at considerable cost.

The graphs below show how the incidents of fly-tipping have changed both nationally and locally in recent years.





Wokingham is a large borough with a mixture urban and rural space covering an area of 179sq km. Within the borough, there is a population of approx. 165,000, 420 hectares of country parks and nature reserves, 736 km of roads (including 8km of Motorway) and 233km of Public Rights of Way. The majority of our fly-tipping incidents are on the highway, meaning that Wokingham is disproportionately affected by the increase in fly tipping that has been seen nationally since 2012/13.

Wokingham is an active partner in Re3, a waste management partnership between Bracknell Forest, Reading and Wokingham borough councils and FCC Environment. The partnership's aims are to develop solutions for the management of waste in Central Berkshire and to encourage people to reduce, reuse and recycle more of their waste.

The Re3 Recycling Centres are for Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council residents to bring their own household waste to be re-used, recycled, composted or disposed of.

Wokingham has achieved an impressive 53% household recycling rate and is committed to increasing it further. The council offers a well-used bulky waste collection service and undertook 2,000 bulky waste collections at the request of our residents last year. 5,000 paid for disposals were also made by Wokingham residents at our household waste recycling centres last year.

The most common types of fly-tipped waste is household waste (black bags), followed by construction/demolition Waste, white goods, green waste and tyres. The table below shows



the volumes of different types of waste that have been fly-tipped within Wokingham Borough over the last two years:

### **Fly Tipping Statistics 2016/17 to 2018/19**

<b>Fly Tipping Statistics 2016/17 to 2018/19</b>	
Type	
Household Waste / Black Bags	1,062
Construction / Demolition	512
White Goods	323
Green	220
Tyres	114
Vehicle Parts	106
Electrical	96
Asbestos	70
Commercial Waste	58
Garden	36
Black Bag Commercial	34
Clinical	16
Electrical	8
Chemical / Fuel drums	4
Other waste	451
<b>TOTAL 2016/17 to 2018/19</b>	<b>3110</b>

Wokingham Borough Council investigates incidents of fly-tipping to determine if any evidence is available for who dumped the waste or who is responsible for it. If evidence is found, the Council will issue a Fixed Penalty Notice (FPN) on the perpetrator of either £80 or £400 depending on the size of the waste. During 2019 the Council issued approximately 50 FPN's for fly-tipping, with half being paid immediately.

The Council also inspects local businesses to ensure that they have documented waste disposal arrangements in place. If a business doesn't have this then a document producer notice is issued giving the business two weeks to produce the correct information. If this information isn't provided in time then a FPN of £300 is issued. The Council estimates that it will inspect the waste disposal arrangements of 850 businesses a year. There are currently 3,188 businesses registered within the borough to check on their waste arrangements. Current inspection activity indicates that only approximately 40% of businesses inspected during 2019 did not have documented waste disposal arrangements in place and there are a programme of activities planned to correct this.

Unscrupulous operators undercut those operating within the law undermining legitimate waste businesses. The council will work with partners to pro-actively to tackle waste crime by unlicensed operators who are advertising storing, transporting or tipping waste.

### 3. Key Areas of our Fly-tipping Strategy

The following summarises how the Council will work with our partners to reduce the impact of fly-tipping within the borough, including our prevention, communication, enforcement activities, how to report fly-tips and how the Council and our partners will respond. A full action plan for this strategy is presented in Appendix 1.

#### Prevention

- Preventing fly-tipping in the first place by helping householders and businesses to understand their obligations to dispose of waste legally by raising awareness of the Waste Duty of Care;
- Enabling and encouraging landowners to help prevent fly-tipping.
- Promoting campaigns made up of interested parties working in partnership to prevent and tackle fly-tipping.
- Creating an intelligence hub with local stakeholders
- Regularly inspecting businesses waste disposal arrangements,
- Recognising that landowners affected by fly-tipping are the victims of crime and, providing them with clear advice on the options for clearance and disposal available,
- Providing feedback to residents on the result of investigations and any subsequent prosecutions.
- Working closely with our town and parish council's to identify and tackle local fly-tipping hotspots
- Installing additional signage in higher risk areas across the borough
- Deploying CCTV in hotspot areas

#### Communication

- Keeping up-to-date information on responsibilities for residents, businesses and landowners in one place on the Wokingham Borough Council website
- Publicising convictions and statistics on fixed penalty notices
- Delivering a communications and engagement campaign that focuses on prevention and creating awareness of the financial and environmental impacts of fly tipping.
- Publicising the Council's waste disposal arrangements, including bulky waste collections

#### Enforcement

- Developing a clear waste enforcement policy
- Issuing fixed penalty notices for fly-tipping
- Issuing fixed penalty notices to businesses without the correct waste disposal arrangements
- Publicising enforcement activity
- Ensuring clear and fair approach to dealing with fly-tipping
- Being clear about the evidence required to trigger an investigation or take forward a prosecution
- Where sufficient evidence as to the perpetrator is found, taking forward a prosecution on behalf of the victim

## **Responding**

- Clearing fly-tipped waste on public land within five working days of reporting
- Attach a large orange sticker on each fly-tip after it has been inspected to confirm to residents that it is due to be cleared,
- Providing landowners with advice on how to deal with clearance and disposal including guidance on clearing waste themselves and their Duty of Care obligations
- Providing landowners with an outline of the support available from the local authority/partnership/group including reduced cost access to disposal/recycling facilities subject to making an accurate report of the fly-tip
- Adopting a problem solving approach to tackling any longstanding or historic fly-tipping issues within the borough

## **Reporting**

- Improving the recording of fly-tipping incidents that are reported
- Establish a recording /reporting process for other bodies that have a responsibility for fly-tipping
- Encouraging the use of Apps and online reporting of fly-tipping
- Being clear about how and what to report and providing a single point of contact via the local authority website or telephone
- Reporting all incidents to the mandatory fly-tipping data reporting database
- Considering accepting reports of fly-tipping on private land to help build a fuller picture of fly-tipping in the area
- Reporting all incidents on private land to the mandatory fly-tipping data reporting

## **Working with Partners**

- Establishing a Cross-Party Council working group
- Establishing an operational problem solving group
- Ensuring alignment with Community Safety Partnership (CSP) priorities
- Establishing a network to share intelligence on fly-tipping incidents, best practice and resources on prevention and enforcement between partner organisations
- Sharing data with surrounding authorities and the Environment Agency, local partnerships and other interested groups to understand the wider problem
- Drawing on and influencing Government policy and legislation to tackle fly-tipping and empower those involved with taking enforcement action or the administration of justice or deterrents such as sentencing of fly-tipping offences.

## 4. Reporting Fly-Tipping to Wokingham Borough Council

We want to make reporting incidents of fly-tipping as easy as possible for our residents so that we can respond to investigate and clear them quickly to minimise their impact within the borough.

### Reporting Fly-Tips

Incidents of fly-tipping can be reported directly to the Council via our website, by telephone or by email.

Website: [www.wokingham.gov.uk/flytipping](http://www.wokingham.gov.uk/flytipping)

Telephone: (0118) 9746000

Email: [customerservices@wokingham.gov.uk](mailto:customerservices@wokingham.gov.uk)

If you are unable to use our online reporting service, you can report fly tipping can report fly tipping over the phone, face to face or by using the online web chat facility (add link to our contact us page) <https://www.wokingham.gov.uk/contact-us/>

After you have reported a fly-tip to us, if we have your contact details you will receive an acknowledgement of your report and updates once the fly-tip has been investigated and once it has been removed.

### Large scale dumping or hazardous waste

If you find large scale illegal waste has been dumped (where lorries have been used to dump rubbish) or hazardous waste you can report it to the Environment Agency via CrimeStoppers by calling 0800 555 111. You can also report waste crime to them, like someone deliberately labelling waste incorrectly, running a waste site without a permit, or not following the rules of a waste management permit.

If you see waste being fly tipped or you're aware of hazardous waste that's an immediate danger to the public, report it to the police straight away by calling 999. If you're deaf or hard of hearing, use the textphone service 18000 or text 999 if you've pre-registered with the emergencySMS serviceExternal Link.

### Responding to Fly-Tipping

Wokingham Borough Council is only allowed to remove fly-tips from public land. Any fly-tips that occur on other land are the responsibility of the land owner. The Council will contact landowners to inform them of the fly-tip and offer advice in how to get it removed.

Investigations of fly-tipping is conducted by Council Officers. We investigate fly-tips to determine if there is any evidence of who has dumped the waste and to check what type of waste has been dumped. Both of these are important elements in helping the Council deliver enforcement and prevention activities. We aim to investigate all fly-tips within two working days of it being reported to us. All inspected fly-tips have an orange sticker placed on them to inform residents that it has been inspected and is awaiting collection.

Clearance of fly-tips is undertaken by the Council's waste contractors, who will clear a fly-tip within three days of being instructed to do so by the Council.

## 5. Information and Communication

It is important that information about fly-tipping is easily available to everyone within the borough. It is also equally important that people living and working within the borough are able to see that the Council takes the issue of fly-tipping seriously and is actively working to reduce its impact on our everyday lives.

### Information

The Council has a dedicated page on its website that details what fly-tipping is, why it is a problem, who deals with fly-tipping, how to report it and what responsibilities we all have to manage our waste effectively.

This page also has information on the different penalties for fly-tipping that people who illegally dump waste may face.

This can be found at [www.wokingham.gov.uk/flytipping](http://www.wokingham.gov.uk/flytipping)

If people have further questions or require more information about fly-tipping, they can contact the Council to request this.

### Communication

The Council has developed a specific communication's plan for fly-tipping to ensure that updates and information about the activities of the Council are available.

Within this we will regularly:

- Inform residents of new initiatives to reduce fly-tipping
- Provide advice on how to manage waste appropriately
- Inform residents of the results of enforcement activity on fly-tipping
- Update residents on the fly-tipping statistics for the borough
- Publicise the Council's bulky waste collection service

All of our communications will be done across a wide range of platforms including our website, local media, social media and specific local campaigns.

## 6. Responsibilities

Local authorities and the Environment Agency both have a responsibility in respect of illegally deposited waste with certain obligations set out in the Environmental Protection Act 1990.

Local authorities have a duty to clear fly-tipped material from relevant land in their areas and consequently they deal with the vast majority of fly-tipping on public land, investigating these and carrying out a range of enforcement actions.

The Environment Agency investigates major illegal fly-tipping incidents if they occur on public or private land. These include large illegal waste sites (greater than 20 tonnes), where there is evidence of organised tipping or criminal business practice and drummed hazardous waste.

The Environment Agency only clears up waste where there is an immediate risk to the environment and human health. They are not funded to clean up all illegally dumped waste on private or public land.

Residents, businesses and landowners also have responsibilities for disposing of their waste under the waste Duty of Care requirements as set out in Section 34 of the Environmental Protection Act 1990

A summary of the different responsibilities of everyone within Wokingham Borough is provided within Appendix 2.

## 7. Powers & Penalties for Fly-Tipping

Fly-tipping is a criminal offence that is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also a range of other possible penalties including:

Duty of care failure: Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990 and includes a statutory Code of Practice. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

Within Wokingham Borough we will use the following enforcement activity for fly-tipping

- Fixed penalty notices of £80 for littering
- Fixed penalty notices of £400 for small scale fly-tipping under new powers granted under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.
- Fixed penalty notices of £300 for failure to provide documented business waste disposal arrangements
- Conduct Section 34 inspections of business
- Seizing property: the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 came into force on 6 April 2015.

The Council will always seek to recover the full costs of all investigations and the costs associated with any court proceedings.

Information about penalties is included on the Wokingham Borough Council website. It is hoped that this information will be disseminated by local groups and trade associations, along with publicity around successful prosecutions by the Environment Agency, other local authorities or others to help raise awareness that fly-tippers are caught and punished and help deter others from the activity.

This dissemination of information will include:

- A link to the current version of Tackling Fly-tipping, A Guide for landowners and land managers on the fly-tipping page of the local authority website and on relevant landowner group websites;
- Promotion of the prevention advice and ideas in the Guide to landowners when incidents are reported to them;
- Promotion by landowner organisations of the prevention advice and ideas in the Guide to members and provision of the document to affected individuals or groups; Publicity around penalties for fly-tipping and successful prosecutions by the Environment Agency, local authorities and other groups;
- The use of local educational initiatives to promote environmental awareness and responsibility by all interested parties

## **Signage & CCTV**

Our aim is to deter fly-tipping in the first instance and warning signs are erected in many locations across the borough warning against fly tipping. The Council will use both additional signage and the deployment of CCTV as a deterrent to fly-tipping in hotspot areas across the borough.

### **CCTV**

While some professional fly tippers won't be put off by the obvious presence of a CCTV camera, many will be deterred if they know they're being filmed. This is one of the most powerful benefits a surveillance camera can offer.

The Council will deploy CCTV using the powers and requirements within the Environmental Protection Act 1990, the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005, and the Clean Neighbourhoods and Environment Act 2005.

CCTV will only be installed upon the approval and the completion of a deployment proforma. CCTV in operation signs are also installed. When positioning the camera, care is taken that it doesn't point at any neighbouring areas and in compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).



## 8. Partnership Working

Fly-tipping is an issue that no single organisation can hope to resolve. Collaborative working is essential if residents are to notice a real difference in their everyday lives.

Within Wokingham, we will harness the commitment and enthusiasm of all Elected Members in a Cross Party Working Group to ensure that resident's voices from all parts of the borough are represented.

It is fortunate that Wokingham Borough contains 17 town and parish councils who are also able to provide invaluable intelligence about the fly-tipping that happens across the borough.

We will build on their established local connections with new initiatives that will encourage more local monitoring of hotspot areas by the town and parish councils and active participation in developing projects to prevent fly-tipping in the future.

Participants will receive advice from the Council on how to monitor fly-tipping hotspots safely and how to report any information/evidence to the Council. They can also contact the Council with ideas to reduce fly-tipping in their area.

We will utilise the existing resources that are available by dovetailing our efforts with the key partnerships that already exist within the borough, such as the Community Safety Partnership, Health & Wellbeing Board and our Public Protection Partnership.

The sharing of information is also key to accurately understanding where and why fly-tipping is occurring across the borough. We will actively and responsibly share information with our partners to deliver an informed response to fly-tipping.

## 9. Monitoring Progress

Progress against the strategy and action plan will be monitored at regular intervals through our internal governance arrangements, cross party working group, community safety partnership and member led overview and scrutiny process.

Aside from monitoring whether the specific element within the action plan have been completed, the Council will also regularly measure the activity against a set of key performance indicators for fly-tipping. These indicators are:

- Number of reported incidents
- Number of incidents inspected
- Waste Type
- Waste Size
- Waste Location
- Average Time to Remove Waste
- Number of Fixed Penalty Notices issued for Fly-Tipping
- Number of Fly-tipping Fixed Penalty Notices paid
- S34 (Business) Inspections Completed
- S34 (Business) Document Producer Notices Issued
- S34 (Business) Fixed Penalty Notices Issued
- S34 (Business) Fixed Penalty Notices Paid
- Outstanding Fixed Penalty Notices

## Appendix 1: Wokingham Borough Fly-Tipping Strategy Delivery Plan 2020

	Description of Task	Timescale	Owned by	Status
<b>STRATEGY</b>				
Develop a strategy for tackling fly tipping across the borough over the next 12 months	Create a clear direction, linked to other associated strategies with aligned action plan	To be presented to Executive in March 2020	AD CS&L	Green
Develop and agree a set agreed KPI's Including reports on private land and numbers of reports by email, phone, etc.	Agree and implement key areas of measurement	Dec 2019	AD CS&L	Green
Enforcement Policy	Create an updated enforcement policy	April 2020	Localities	Amber

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<b>COMMUNICATION &amp; ENGAGEMENT</b>				
Develop and deliver a communications and engagement campaign that focuses on creating awareness of the financial and environmental impacts of fly tipping	Develop and deliver a communications and engagement strategy	Jan 2020	CEM	Green
Publicise Localities and Fly-Tipping in Press and Borough News	As part of the above	Ongoing	CEM	Green
Set up regular meeting with Members	Keeping elected members informed and engaged with issues	Ongoing	Localities	Green
Launch a neighbourhood fly-tipping initiative	Set up a badged initiative to encourage reporting of fly tipping	Soft Launch in Nov 2019 / Full launch March 2020	Localities	Green
Publicise businesses prosecutions for waste violations	Name those that are successfully prosecuted	Ongoing	CDO	Green
Customer feedback mechanism	Implement a survey across multiple channels to gather resident views on progress with the strategy and actions	Ongoing	Localities	Amber

Place branding on waste collection vehicles	Agree branding / wording and implement	April 2020	Localities	Amber
Develop a webpage with comprehensive details of fly tipping offer	Draft web pages and work with web team to implement	Dec 2019	Localities	Green
Mail out to all businesses to remind them of waste disposal responsibilities and our enforcement policies	Insert to be included with NNDR renewals	March 2020	Localities	Green
Run a neighbourhood engagement event / meeting		Feb 2020	Localities	Amber
Create a more direct approach to social media		Jan 2020	Localities	Green
Consider how to publicise suspects / offenders		Ongoing	Localities	Amber
Promote ways for residents to suggest good ideas to combat fly tipping		Jan 2020	Localities	Green
Link up with the communications piece from Public Protection Partnership	Arrange to meet with SM (West berks)	Nov 2020	Councillors	Green
Xmas waste publicity	Ensure proper disposal methods publicised	Dec 2020	Localities	Green
Deliver awareness raising presentation in schools	Agree approach and how this can be arranged	tbc	Localities	Amber
Educating business about their "duty of care" responsibilities	Draft press release and add info onto website	Nov 2019	Localities	Green
Publicise large waste collection service		Ongoing	CME	Green
Contact Check-a-Trade	if businesses without documented waste disposal arrangements can be flagged	March 2020	Localities	Amber

<b>PREVENTION</b>				
Educating business about their “duty of care” responsibilities	Establish logistics and pricing for a mail out businesses with duty of care information	March 2020	Localities	Green
Enforcement	Agree and prioritise the main hotpots within the Borough	Jan 2020	Localities	Green
Complete analysis of reports by ward - hotspots	Need to set agreed KPIs to spot trends	Dec 2019	Localities	Green
Develop KPIs	Monitor the impact of the strategy in reducing fly-tipping	Dec 2019	Localities	Green
Launch stop and search inspections of business waste	Police to run regular stop-checks on business vehicles over the coming months	Ongoing	Localities	Green
Launch Section 34 business waste inspections	Monitor compliance with waste disposal requirements	August 2019	Localities	Green
Business waste inspection publicity	Press release sent	Nov 2019	Localities	Green
Liaise with T&PC to develop more localised monitoring	Write to T&PC and offer meetings / organising volunteers to monitor hotspots	Nov 2019	Localities	Green
CCTV	Research suitable CCTV monitoring options and including full service, rental and purchasing	Dec 2019	Localities	Green
CCTV	Develop a protocol and procedure for CCTV deployment	Dec 2019	Localities	Green

<b>ENFORCEMENT</b>				
Enforcement	Review and prepare a set of standard letters relating to fly tipping	Feb 2020	Localities	Green
Enforcement	Ensure clear written procedures for Investigation and enforcement action	Feb 2020	Localities	Green
Enforcement	Prepare a problem solving template and prepare for a pilot site	Dec 2019	Localities	Green
Enforcement	Prepare a training plan for enforcement officers	Feb 2020	Localities	Amber
Enforcement	Prepare action plan to deal with long standing issues	Feb 2020	Localities	Green
Install signage/posters in hotspots	Install signage	Ongoing	Localities	Green
Install mobile CCTV cameras in hotspots	Install record cameras and review footage by exception	Ongoing	Localities	Green
Deliver awareness raising presentation in schools	Agree approach and how this can be arranged	tbc	Localities	Amber

<b>REPORTING</b>				
Reporting	Review and improve current customer journey	March 2020	Localities	Green
Reporting fly tipping by online form - WBC	Develop customer journey	March 2020	VH	Green
Reporting fly tipping by online form - Volker Highways	Review and quality assure current customer journey	March 2020	CDO	Green
Reporting fly tipping over the phone	Develop customer journey	March 2020	VH	Green

Reporting fly tipping over the phone - Volker Highways	Review and quality assure current customer journey	March 2020	CDO	Green
Reporting fly tipping by email	Develop customer journey	March 2020	VH	Green
Reporting fly tipping by email - Volker Highways	Review and quality assure current customer journey	March 2020	CDO	Green
Reporting fly tipping through web-chat	Review and quality assure current customer journey	March 2020	CDO	Green
Reporting fly tipping face to face	Reporting in real time when in the Borough	March 2020	Localities	Green
Reporting by council staff or contractors		March 2020	CDO	Green
Including photo of before and after for fly-tip clearance		March 2020	CDO	Amber

<b>RESPONDING</b>				
Orange Stickers on all inspected fly-tips	if investigation required, review fly tip and place sticker	Jan 2019	Localities	Green
Introduce Fixed Penalty Notices for Fly-Tipping	team authorised to issue tickets when evidenced	Jan 2019	Localities	Green
Investigation of longstanding issue(s)	how do we categorise what is difficult or costly to do	Ongoing	Localities	Green
Signage near fly-tipping on private land	Arrange for signage	March 2020	Localities CDO	Amber
Street Cleansing contract - inspection arrangements following intro of the new Street Cleansing contract with Volker Highways and the process for Customer Delivery and Localities	Safe transition of service to contractor - front door and physical delivery	April 2020	Localities	Green
Liaising with Police and Community Safety team regarding illegal materials	Maintaining a partnership approach to illegal activity	Ongoing	Localities	Green
Clear fly tipping from private land	Set up a new service	April 2020	Localities	Amber

Clear up of fly tipping by offenders	Investigate including Fly-tipping within Community Payback work	Jan 2020	Localities	Green
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<b>WORKING WITH OUR PARTNERS</b>				
Working together with our partners	Agree a communications plan with CEM team	Jan 2020	Localities	Green
Create a cross party working group	Ensure all elected members have an opportunity to contribute to reducing the impact of fly-tipping	Nov 2019	Localities	Green
Establish problem solving group with partners	Make connections with key players in the police and fire brigade, environment agency and PPP to deal with localities based issues	Feb 2020	Localities	Green
Establish <i>Countryside Watch</i> partnership	Define country watch offer and prepare written materials and web page text	Feb 2020	Localities	Amber
Work collaboratively with partners	Establish monthly liaison meeting with Public Protection Partnership	Nov 2019	Localities	Green
Arrange meeting with Environment Agency on waste crime	Maintaining a comprehensive partnership approach to reducing fly-tipping	Feb 2020	Localities	Green
Purchase additional CCTV cameras using community safety partnership funding	Providing a more comprehensive monitoring capability	Feb 2020	Localities	Green



## Appendix 2: Summary of Waste Responsibilities

- **Wokingham Borough Council**

Responsible for investigating and clearing fly-tipping on public land within our boundary. Both the Highways Authority and the local authority have a responsibility for clearing waste from the Highway for roads which it is responsible for (not motorways and major trunk roads in Wokingham which Highways England are responsible for).

As the Waste Planning Authority it also plays a role in enforcement on large-scale illegal waste dumping

- **Re3**

Re3 is a waste management partnership between Bracknell Forest, Reading and Wokingham Borough Councils and FCC Environment. The partnership's aims are to develop solutions for the management of waste in Central Berkshire and to encourage people to reduce, reuse and recycle more of their waste.

- **Thames Valley Police**

If someone witnesses a fly-tipping offence is in progress, they should call 101 and ask for the police for them to respond.

- **Highways England**

Highways England are for clearing litter and fly-tipped material on the as all the motorways such as the M4.

- **Environment Agency**

Responsible for investigating large-scale incidents of fly-tipping in Wokingham (more than a lorry load), hazardous waste fly tipping , and waste dumped in a way that is a threat to human health or to the environment.

- **Network Rail**

Responsible for all land between the tracks, as well as up to 100 metres from the end of the platform. Responsible for all railway land in urban areas and key stations. Remaining stations are managed by train operating companies. In Wokingham this is Great Western Rail and South Western Railway

- **Private Land**

Land managers, farmers, land owners and occupiers of private land are responsible for clearing fly-tipping on private land. This includes housing associations and organisations such as the Wildlife Trust, Forestry Enterprise etc.

- **Town & Parish Councils**

Whilst town and parish council's (defined in legislation as Local Council's) don't have any additional specific responsibilities beyond their requirements to comply with the law, they are able to undertake tasks if formally delegated by the local authority. They are also an excellent resource of local knowledge and a clear point of connection for local residents, which makes them ideally placed to develop and support local initiatives to reduce the impact of fly-tipping

## The Waste Duty of Care

The following summarises the responsibilities for residents, businesses and landowners within Wokingham Borough.

### The Waste Duty of Care

The waste Duty of Care is set out in Section 34 of the Environmental Protection Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/43/section/34>) It exists to ensure that everyone dealing with controlled waste handles it in an appropriate manner to minimise any risks. It applies to any person or business that produces, imports, carries, keeps, treats or disposes of controlled waste (household, industrial and commercial waste) or as a broker has control of such waste.

The Duty of Care requires those that deal with waste to take all reasonable measures to:

- Prevent the waste being deposited illegally
- Prevent the waste escaping
- Ensure that waste is only passed to those authorised to receive it
- Ensure that when waste is transferred a written description is completed to ensure the transferee is able to deal with the waste appropriately.

What needs to go into a written description is set out in Regulation 35 of the Waste (England and Wales) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/988/regulation/35/made>

### Residents

Everyone is legally responsible for any household waste produced on their property. This is known as their 'duty of care'.

It should be noted that Householders do not need to complete a written description when their household waste is transferred. They must ensure their waste is only given to someone authorise to receive it.

An individual could face an unlimited fine if your waste ends up fly-tipped and they cannot show that they took reasonable steps to prevent it.

An individual must ensure that they only transferred their waste to an authorised person, such as a registered waste carrier or waste site that is appropriately registered with the relevant enforcement body.

If someone is using a waste carrier (other than their Local Council) to remove household, garden or construction waste they must always ask for their waste carrier number. If in doubt their details can be checked on the public register of waste carriers, or call the Environment Agency on 08708 506 506. <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>

It is recommended to always ask a carrier what exactly is going to happen to the waste and seek evidence that it is going to be disposed of appropriately. A legitimate, professional waste carrier should not object to being asked reasonable questions.

Finally, everyone should make sure to get a proper invoice and receipt for their waste and retain this as proof.

## **Businesses**

Waste collection and disposal is not included in Business Rates and every business is legally responsible for its waste, from the date it is produced until it is recycled or disposed of, including all storage and handling stages. This is known as their 'duty of care'.

Businesses must:

- use a registered waste business to collect, recycle, recover or dispose of your waste in England;
- register to transport their own waste in England;
- keep to the restrictions if they move waste between countries

Businesses could face an unlimited fine if their waste ends up fly-tipped and they cannot show that they took reasonable steps to prevent it.

However businesses dispose of their commercial waste, they must ensure that their complete Waste Information Notes relating to all waste that originates from their business. Businesses must keep all Waste Information Notes for a period of two years, and they must make them available for inspection by authorised officers of the Council or the Environment Agency when required to do so.

Failure to produce Waste Information Notes when asked by the Council or the Environment Agency is an offence, for which Fixed Penalty Fines of £300 can be issued.

If a business disposes of its commercial waste through their local Council trade waste collection service (currently Veolia for Wokingham Borough), or through the trade waste scheme at the Household Waste Recycling Centre (HWRC), they will ensure that the necessary Waste Information Notes are completed.

Ensuring that only registered waste carriers carry waste, and ensuring that all waste is accounted for by Waste Information Notes, helps to ensure that all waste ends up disposed of correctly, and does not end up fly-tipped.

## **Landowners and managers**

Responsibility for dealing with fly-tipping on private land rests with private landowners and managers. There are a number of steps that landowners and managers can take to prevent fly-tipping on their land. These include:

- Physical improvements such as the installation of gates and barriers and improved visibility; Better site management – keeping areas tidy and removing fly-tipped waste quickly;
- Deterrence – this can be in the form of signage, CCTV, security patrols etc.;
- Working with others including your neighbours, local businesses and any existing partnerships.

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